IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21068 of 1997

Between:

Vajrala Lakshma reddy, S/o Sri Koti Reddy,
R/o Ganapavaram, Mylavaram (M),
Krishna dist.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise,
Government of A.P., Hyderabad.
2 Deputy commissioner for excise and prohibition
Kakinada, E.G.Dist.
3 The Circle Inspector of Police,
Hamuman Junction, Agiripalli Police Station,
Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in C.R. No. 824/87/DPE/B2 dt:15.7.97 confirming the order of the 2nd respondent passed in Rc.no. B3/2942/96 dt:31.1.97 as illegal arbitrary and consequently direct the respondent to release the bank guarantee furnished for release of the vehicle bearing No. TN-21-A.5300 and trailer bearing No. AP-04/4035.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

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WRIT PETITION NO. 21068 OF 1997

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ORDER:-

In this writ petition, the petitioner who is the owner of the vehicle in question seeks to assail the final orders of confiscation of the vehicle passed by second respondent and confirmed by first respondent in appeal.

The main allegation is that the petitioner used the vehicle in transporting 925 IML bottles without any permission or license. Having regard to the findings of fact arrived by the authorities below, I do not find any ground to interfere with the order impugned in this writ petition. Though a plea is sought to be raised that the petitioner had no knowledge of transportation of liquor in his vehicle and that his vehicle was given on hire to transport husk and poultry feed, it is too late to accept such a belated plea having regard to the nature of offence and also involvement of the vehicle.

Accordingly, this writ petition is dismissed. No costs.

3—11—2004.

Stv/-

To

1 The Commissioner of Prohibition & Excise,

Government of A.P., Hyderabad.

2 Deputy commissioner for excise and prohibition
Kakinada, E.G.Dist.

3 The Circle Inspector of Police,
Hamuman Junction, Agiripalli Police Station,
Krishna Dist.